

REMARKS

In the outstanding Office Action, the Examiner has rejected claims 1-11 on prior art grounds. Applicants respectfully request reconsideration and allowance of the claims 1-11, as well as new claims 12-15, in view of the present amendments and the following comments.

Claims 1-11 stand rejected under 35 U.S.C. 102(e) as being anticipated by Takagi et al. Applicants traverse this rejection based on the following comments.

Applicants respectfully submit that Takagi et al. do not disclose or suggest the claimed invention and that the Examiner has taken a broad interpretation of the term “enclosing” and in particular, the Examiner identifies and equates the term “enclosing” with the engagement of the window 14 and the actuator 17 (Fig. 12) in the cited reference. However, for purpose of further clarification of the present invention, Applicants have amended claim 1 to describe the type of interaction between the inner needle retraction actuating portion and the actuator housing.

More specifically, claim 1 has been amended to describe how the actuator housing prevents the inner needle retraction actuating portion from coming into contact with a hand. Claim 1, as amended, recites that the actuator portion housing encloses the inner needle retraction actuating portion when the inner needle retraction actuating portion biasedly retracts within and underneath a protective cover portion of the actuating portion housing to prevent both ends of the actuator from being freely accessible resulting in the actuating portion from coming into contact with a hand. Even if one broadly reads, as the Examiner has done, the locking slot (window) of the reference as functioning to “enclose” the inner needle retraction actuating portion within an actuating portion housing by receiving the actuator within a locking slot (window), whereby the ends of the locking slot are obstructed by edges (“enclosed”) that define the locking slot, the reference simply fails to show any housing that receives the actuator portion in a manner in which the actuator portion retracts within and under a protective cover portion of the housing. In fact, the reference completely lacks a protective cover portion a fact of which the Examiner has ignored in the discussion of the dependent claims which fails to set forth how the reference has a cover portion.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: July 13, 2004

Respectfully submitted,

By 

Edward J. Ellis

Registration No.: 40,389

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 753-6237 (Fax)

Attorneys/Agents For Applicant